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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,844	08/16/2001	Joerg Heilig	P5210 US	4555
24209	7590	10/17/2006	EXAMINER	
GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940			LIN, KELVIN Y	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/931,844	Applicant(s) HEILIG ET AL.	
	Examiner Kelvin Lin	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Arguments

Applicant's arguments, see Remarks from page 14 to 19, filed on August 1, 2006, with respect to the rejection(s) of claim(s) 1-52 under 35 USC 103(a) as the combination of Whitledge in view of Kuiken have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as the combination of Whitledge in view of Krueger et al.,(USPN 6308222).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8, 10-19, 21-32, 34-52 are rejected under 35 USC 102(e) as being

anticipated by Whitledge et al., (US Patent No. 6925595)

2. Regarding claim 1, Whitledge teaches a system for accessing data stored at a remote host in a computer network, comprising:

- a proxy server having a code section including instructions for receiving a request for data from a client, and making a determination whether the requested data should be rendered before transmission to the client; (Whitledge, fig. 4a, col.10, 30-38, the proxy server receives a request from a network device then proxy server creates a metadata to convey information such as request/response, and in col.10, l.10-15, the proxy server is equipped with the capability to determine whether the network device is allowed to use before transmitting the converted data);
- a processing server coupled to the proxy server and having a code section including instructions for receiving the rendering determination from the proxy server, rendering the requested data, and transmitting the rendered data to the client (Whitledge, col.6, l.35-38, col. 8, l.1-24, the content converter - processing server, can also be integral to the proxy server and converts the original requested electronic document into a converted document based on the conversion preferences; and transmitting the rendered data to the client (Whitledge, fig.3,element

46, 48, col. 9, l.12-19, the converter communicates with the client).

3. Regarding claim 2, Whitledge further discloses the system of claim 1, wherein the proxy server further comprises a code section including instructions for storing the requested data in an intermediate data store if it is determined that the requested data should be rendered before transmission to the client (Whitledge, col.14, l.46-50); and the processing server further comprises a code section including instructions for retrieving data stored in the intermediate data store (Whitledge, col.14, l.52-55).
4. Regarding claim 3, Whitledge further discloses the system of claim 1, wherein the proxy server includes a code section including instructions for transmitting address information to the processing server, wherein the address information corresponds to the storage location of the requested data at a data server; and the processing server includes a code section containing instructions for retrieving the requested data from the data server (Whitledge, col.19, l.33-48).
5. Regarding claim 4, Whitledge further discloses the system of claim 3, wherein the proxy server further comprises a code section containing instructions for generating a link message containing address information corresponding to the requested data; and a code section containing instructions for transmitting the link message to the client (Whitledge, col.19, l.38-48).
6. Regarding claim 5, Whitledge further discloses the system of claim 4, wherein the link message further includes data type information describing the requested

data (Whitledge, col. 19, l.37-40).

7. Regarding claim 6, Whitledge further discloses the system of claim 4, wherein the link message further includes a client identifier and a session identifier (Whitledge, col. 19, l.40-44).
8. Regarding claim 7, Whitledge further discloses the system of claim 3, wherein the address information of the requested data comprises a URL and the data type information comprises a MIME type (Whitledge, col.19, l.37-48).
9. Regarding claim 8, Kuiken further discloses the system of claim 3, wherein the client further comprises a data handler including a code section containing instructions for establishing a communication link between the client and the processing server and for receiving the rendered data from the processing server (Kuiken, col. 6, l.45-50).
10. Regarding claims 10-19, claiming for computer-based method have limitations corresponding to the system claims 1-8. Therefore, claims 10-19 are rejected for the same reasons set forth in the rejection of claims 1-8.
11. Regarding claims 21-22 have limitations corresponding to claims 1-8. Therefore, claims 21-22 are rejected for the same reasons set forth in the rejection of claims 1-8.
12. Regarding claims 23-32, claiming for computer-based method have limitations corresponding to the system claims 1-8. Therefore, claims 23-32 are rejected for the same reasons set forth in the rejection of claims 1-8.

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13. Regarding method claim 34, has limitations corresponding to the system claims 1-8. Therefore, claim 34 is rejected for the same reasons set forth in the rejection of claims 1-8.
14. Regarding method claims 35-38, have limitations corresponding to the system claims 1-4, and 8. Therefore, claims 35-38 are rejected for the same reasons set forth in the rejection of claims 1-4, and 8.
15. Regarding claim 39, claiming for the computer program product, has limitations corresponding to computer based method claims 10, 23. Therefore, claim 39, is rejected for the same reasons set forth in the rejection of claims 10, 23.
16. Regarding claim 40, Whitledge further discloses a proxy server comprising: a Processor (Whitledge, Fig.1); a memory connected to said processor (Whitledge, col.7, l.20-32), and containing code containing instructions configured, upon execution of said instructions by the processor (Whitledge, col.9, l.4-11), to cause the proxy server to receive a data request from a client; to determine whether the data requested by the client should be rendered (Whitledge, col.9, l.45-50), and to retrieve the requested data from a data server (Whitledge, col.20, l.36-40); and to authorize a processing server to retrieve and render the requested data in accordance with the determination of the proxy server (Whitledge, col.9, l.45-50), and to transmit the rendered data to the client (Whitledge, Fig.3).
17. Regarding claims 41-52, claiming for the instruction of proxy server have

limitations corresponding to claims computer-based method 10-22. Therefore, claims 41-52 are rejected for the same reasons set forth in the rejection of claims 10-19, and 21-22.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 9, 20, 33, are rejected under 35 U.S.C 103(a) as being unpatentable over Whittedge et al., in view of Krueger et al.,(USPN 6308222).

19. Regarding Claim 9, Whittedge does not specifically disclose that the requested data directly transmit to the client upon the proxy server determining the requested data do not have to be rendered.

However, Krueger discloses the system of claim 1, wherein the proxy server includes a code section containing instructions for directly transmitting the requested data to the client upon the proxy server determining that the requested data do not have to be rendered before transmission to the client (Krueger, col.7, 33-42).

Because Krueger discloses the non-transcoder download to the client before

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the transcoding file to be downloaded therefore it can reduce the latency, it would have been obvious to incorporate the proxy server with non-transcoder method to modify Whitledge's devices so that they can transmit the non-transcoder data to the client prior to the transmission of transcoder file. Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of the invention.

20. Regarding the method claim 20 has limitations corresponding to claim 9.

Therefore, claim 20 is rejected for the same reasons set forth in the rejection of claim 9.

21. Regarding method claim 33 has limitations corresponding to the system claim 9.

Therefore, claim 33 is rejected for the same reasons set forth in the rejection of claim 9.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/13/06

KYL

A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with a large loop at the end.

ANDREW CALDWELL
PRIMARY PATENT EXAMINER